

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DRUMMOND COAL SALES, INC.,

Plaintiff,

vs.

SEQUOIA ENERGY, LLC,

Defendant.

**CIVIL ACTION NO.
CV-08-HGD-1356-S**

MOTION FOR DEFAULT JUDGMENT

COMES NOW the Plaintiff, Drummond Coal Sales, Inc. (hereinafter "Drummond Coal Sales"), and, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, hereby requests the Court to enter a default judgment against Defendant, Sequoia Energy, LLC (hereinafter "Sequoia"). In support of this Motion, Drummond Coal Sales states as follows:

1. Drummond Coal Sales filed its Complaint against Sequoia on July 29, 2008.
2. Sequoia was served with the Summons and Complaint on August 4, 2008.
3. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Sequoia's Answer to the Complaint was due on or before August 25, 2008.
4. Sequoia has failed to appear, answer the Complaint or otherwise defend the allegations of Drummond Coal Sales in the Complaint.
5. Drummond Coal Sales, therefore, is entitled to judgment by default as a matter of law. Drummond Coal Sales requests the Court to grant the relief sought in its

Complaint filed with this Court. Drummond Coal Sales also requests this Court to conduct a hearing to determine the amount of damages pursuant to Fed. R. Civ. P. 55(b)(2)(B).

6. This Motion is further supported by the allegations of the Complaint filed in this case, Rule 55 of the Federal Rules of Civil Procedure, and the affidavit of default filed herewith in the U.S. District Court for the Northern District of Alabama.

WHEREFORE, PREMISES CONSIDERED, Drummond Coal Sales, Inc., respectfully requests that this Court enter judgment by default against Defendant Sequoia Energy, LLC, and to conduct a hearing to determine the amount of damages sustained by Drummond Coal Sales, Inc.

Respectfully Submitted,

s/Philip G. Piggott
Philip G. Piggott
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William Anthony Davis, III
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Attorneys for Drummond Coal Sales, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 3rd, 2008, I electronically filed the foregoing with the Clerk of the Court using the Alafile system, and I hereby certify that I have mailed by **Certified Mail, Return Receipt Requested**, the document to the following non-Alafile participants:

Sequoia Energy, LLC
c/o Harlan Development, Corp., Registered Agent
N. 19th Street Extension
Middlesboro, KY 40965

s/Philip G. Piggott
Philip G. Piggott
E-Mail: pgp@starneslaw.com

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AFFIDAVIT OF PHILIP G. PIGGOTT

STATE OF ALABAMA)
JEFFERSON COUNTY)

Before me, the undersigned authority, in and for said county and state, personally appeared Philip G. Piggott, who, after being duly sworn by me, deposes and states as follows:


1. My name is Philip G. Piggott. I am over the age of nineteen and have knowledge concerning the facts stated herein.
2. I am a partner with the law firm of Starnes & Atchison LLP located at 100 Brookwood Place, Birmingham, Alabama, 35209. My office telephone number is 205-868-6000. My office fax number is 205-868-6099. I and am licensed to practice law in the State of Alabama.
3. I have served as counsel of record for Drummond Coal Sales, Inc., in the above-captioned lawsuit.

4. The Defendant, Sequoia Energy, LLC, was served with the Summons and Complaint on August 4, 2008.

5. The Defendant has failed to plead or otherwise defend this action to date.

FURTHER AFFIANT SAITH NOT.

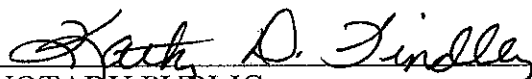
Dated this the 3 day of October, 2008.


Philip G. Piggott

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Kathy D. Findley, in and for said county and state, hereby certify that Philip G. Piggott, whose name is signed to the foregoing and who is known to me, acknowledged before me this day, that being informed of the contents thereof, voluntarily executed the same on the day of its date.

Given under my hand the seal of this 3rd day of October, 2008.


NOTARY PUBLIC

Kathy D. Findley
Printed Name

My Commission Expires: February 3, 2011